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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,728	01/21/2004	Klay Ethan Gilbert	38398/294579	3655
7590	02/16/2006			
John S. Pratt, Esq. KILPATRICK STOCKTON LLP Suite 2800 1100 Peachtree Street Atlanta, GA 30309-4530			EXAMINER BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	
DATE MAILED: 02/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,728	Applicant(s) GILBERT, KLAY ETHAN	
	Examiner Greg Binda	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005 and 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claim 12 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election of a coupling (Group I) was made **without** traverse in the reply filed on May 16, 2005.

Drawings

3. The new drawing filed Jan 9, 2006 is objected to because its two views are identified as a single figure.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because:
 - a. The brief description of the drawings fails to describe Fig. 7.
 - b. The detailed description fails to refer to Fig. 7
6. The specification is objected to because the detailed description fails to provide proper antecedent basis for the following limitations:
 - a. Claim 3: "circular disc" in claim 3
 - b. Claim 8: all the limitations therein.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1, lines 8 & 9 recites the limitation, “the opening to accommodate . . . axial misalignment of the received shafts”. Applicant has not pointed out where this limitation is supported, nor does there appear to be a written description of the limitation in the application as originally filed.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-6, 8, 10 & 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Downey, US 3,798,924. Figs. 1-3 show a coupling 10 comprising: first and second hub assemblies 16 & 18, each comprising: means 24, 26 for receiving a shaft; at least one pin 30; and means 36, comprising an opening 36, for receiving the pin of the other hub assembly while providing clearance therefor, thereby permitting movement of the pin within the opening to accommodate angular misalignment of the received shafts; and a center member 40 positioned between the first and second hub assemblies and comprising a plurality of openings 44 for receiving the pins. Figs. 2-4 show the center member 40 comprises an elastomeric circular disc 42 with a plurality of openings 44 that are at least as great in number as the total number of pins

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30 and are sized smaller than pin receiving openings 36 in the first and second hub assemblies 16, 18. Fig. 2 shows each of the first and second hub assemblies 16 & 18 has a means 32 for receiving the pins 30. Fig. 2 shows each pin 30 has a length sufficient to be received substantially completely by the means 32 for receiving the pins. Fig. 2 shows the clearance between the openings 34 and the pins 30 can accommodate any combination of angular, parallel and axial misalignment of the received shafts.

11. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hickman, GB 582,901. Figs. 1-3 show a coupling comprising: first and second hub assemblies 1, 8 & 2, 9 (see also page 2, lines 107-109) each comprising: means for receiving a shaft 16 & 17; at least one pin 10; and means 3, 11, comprising an opening 3, 11, for receiving the pin of the other hub assembly while providing clearance (see fig. 2) therefor, thereby permitting movement of the pin within the opening to accommodate angular misalignment of the received shafts; and a center member 6 positioned between the first and second hub assemblies and comprising a plurality of openings 7 for receiving the pins. Figs. 1-3 show the center member 6 comprises an elastomeric circular disc with a plurality of openings 7 that are at least as great in number as the total number of pins 10 and are sized smaller than pin receiving openings 3, 11 in the first and second hub assemblies. Figs 1 & 3 show that each pin is generally cylindrically shaped and is tapered 12 at an end remote from the hub assembly which it comprises. Figs. 1 & 2 show the axis of the pin 10 of the first assembly 1, 8 is offset radially approximately sixty degrees from the axis of the pin 10 of the second assembly 2, 9. Fig. 1 shows each of the first and second hub assemblies 1, 8 & 2, 9 has a means 4 for receiving the pins 10. Fig. 1 shows each pin 10 has a length sufficient

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to be received substantially completely by the means 4 for receiving the pins. Figs. 1-3 show the clearance between the openings 3 and the pins 10 can accommodate any combination of angular, parallel and axial misalignment of the received shafts.

12. Claims 1-6, 8 & 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss, US 4,708,692. Figs. 1-7 show a coupling comprising all the limitations of the claims. Fig. 3 shows a first hub assembly 9 having an opening for receiving a pin 11 of the other hub assembly 6. Fig. 1 shows the second hub assembly 6 is similarly equipped.

Response to Arguments

13. Applicant's arguments filed Dec 14, 2005 have been fully considered but they are not persuasive.

a. Applicant argues that the specification objections at item 6 are invalid because the limitations are shown in the drawings. However, the objections are made in regard to shortcomings in the specification. If the drawings shared the same shortcomings they to would have been objected on the same grounds.

b. Applicant argues that the features corresponding to the limitations in claim 1 that constitute the grounds for rejection in item 8 above are described on pages 6 & 7 of the specification and shown in the drawings. However, nowhere in the original disclosure are the openings 34 ever described or shown as being particularly designed so as to accommodate axial misalignment of the received shafts.

- c. Applicant argues that Downey fails to anticipate the claims because it “fails to teach [a] system that prevents axial misalignment”. The Office agrees that Downey does not teach such a system which is one reason why Downey reads on the claims since the claimed invention is supposed to accommodate, not prevent, axial misalignment.
- d. Applicant argues that Downey fails to anticipate the claims because the pins 30 lack a length to be substantially received by a means for receiving the pins. However, as noted in the rejection above, Downey’s Fig. 2 shows each pin 30 has a length sufficient to be received substantially completely by the means 32 for receiving the pins.
- e. Applicant argues that Downey fails to anticipate the claims because its coupler cannot accommodate axial misalignment. This is so applicant argues because axial misalignment would cause the pins to move out of the openings 36 and the mechanical connection between the flanges would be lost. The argument is unpersuasive for at least two reasons:
 - i. The mechanical connection between the flanges in Downey is effected by the pin connections between the flanges (at the openings 32) and the center member 40. There is clearance, (i.e. no mechanical connection) between the openings 36 and the pins 30. As such, the length (long or short) of a pin within a clearance has no affect on the mechanical connection between the flanges.
 - ii. Applicants own disclosure is entirely silent on any relation between pin/opening dimensions and the accommodation of axial shaft misalignment. As such, there is no requirement for anticipatory prior art to teach what applicant himself has failed to teach.

f. Applicant argues that Hickman fails to anticipate the claims because it fails to show either of the hub assemblies 1, 8 & 2, 9 having openings for receiving the pin of the other hub assemblies. However, Fig. 2 clearly shows the hub assembly 1, 8 has an opening 3 for receiving the pin 10 of the other hub assembly 2, 9 and vice versa.

g. Applicant argues that Hickman fails to anticipate the claims because its coupler cannot accommodate combinations of angular, axial and parallel misalignment between the shafts. However, Hickmann shows every structural limitation recited in the instant claims. As such it possesses all the structural features necessary to provide it with the capabilities of the claimed invention. However, if applicant insists that there are additional (heretofore unrecited) structural limitations necessary for the coupler to accommodate combinations of angular, axial and parallel misalignment between the shafts, then those limitations must be recited in the claims AND be supported by a specification that complies with 35 USC 112, first paragraph. When applicant provides the claims with those limitations, then (and only then) will it possible to determine whether or not Hickmann fails to show and/or suggest them.

h. Applicant argues that Weiss fails to anticipate the claims because it fails to show either of the hub assemblies 9 & 6 having openings for receiving the pin of the other hub assemblies. However, as noted in the rejection above, Figs. 1 & 3 clearly show the hub assembly 9 has an opening for receiving the pin 11 of the other hub assembly 6 and vice versa.

i. Applicant argues that Weiss cannot accommodate any combination of angular, axial and parallel misalignment because each pin 11 is screwed/fixed into one of the two hub

assemblies. It is not clear why that is a problem, since even in applicant's invention, each pin 18 is fixed into one of the two hub assemblies (see particularly the last two lines on page 8 and the first two lines of page 9 in applicant's specification).

Conclusion

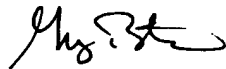
14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679